

2.024

Transferred Intent

You may find that the defendant acted “intentionally” or with “intent to” as to [name of the alleged victim] on the charge of [name of offense and, if need for clarity, the count number] if you find “transferred intent”. Transferred intent is established if the actual result of the defendant’s action differs from that which the defendant intended or contemplated only in the respect that:

1. A different person or different property is injured or affected; or
2. The injury or harm intended or contemplated would have been more serious or extensive than that caused.
- 3.

SOURCE: A.R.S. §13-203(B)(statutory language as of October 1, 1978).

USE NOTE: The court shall instruct on the culpable mental state.

“Intentionally” is defined in A.R.S. §13-105.

The actual intended victim can be different or the intended harm may be different in degree but not both. *State v. Johnson*, 205 Ariz. 413, 72 P.3d 343 (App.2003).

There must be an intent to cause a particular result as an element of an offense before the doctrine of transferred intent applies. *State v. Siner*, 205 Ariz. 301, 69 P.3d 1022(App.2003).
